

Application No.: 09/937,986

Docket No.: AP9610 (209565-84182)

REMARKS

Claims 25, 27, 30-36 and 38-44 were pending in the application. In response to the Final Office Action, Applicant has amended Claims 25 and 36. Claims 1-24, 26, 28-29 and 37 were previously canceled and claim 27 is canceled herein. No new claims have been added.

Entry of this Amendment is proper under 37 CFR §1.116 because this Amendment: (a) places the application in condition for allowance (for the reasons discussed herein); (b) does not raise any new issue requiring further search and/or consideration because the amendments amplify issues previously discussed throughout prosecution; (c) does not add claims without deleting an appropriate number of claims; and (d) places the application in better form for appeal, should an appeal be necessary. This Amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of this Amendment is thus respectfully requested.

I. Formal Matters

1. Claim 27 was objected to for failing to further limit the subject matter of a previous claim. Applicant has cancelled Claim 27. Withdrawal of the objection is respectfully requested.

II. The Claims Define Patentable Subject Matter

1. Claims 25, 27, 30, 32-34, 36 and 38-43 were rejected under 35 USC §102(b) as being anticipated by U.S. 5,696,681 to Hrovat et al. (hereinafter, "Hrovat"). Since Claim 27 has been cancelled in this paper, the rejection to Claim 27 has been rendered moot. Applicant respectfully traverses the rejection to Claims 25, 30, 32-34, 36 and 38-43.

Applicant has amended independent Claim 25 to recite, "*wherein said changing step includes changing a wheel specific quantitative value for the wheel that has sustained a pressure loss.*" "Quantitative" carries the meaning of "quantity or amount" (see attached definition). Thus, a wheel specific quantity value represents, for example, an actual wheel speed value. Applicant has also amended independent Claim 26 to include the limitation of "*wherein the change by the brake controller includes changing a wheel-specific quantitative value for the wheel that has sustained a pressure loss.*" Support for the amendments can be found at paragraph [0026] in the substitute specification. It is respectfully submitted that Hrovat does not disclose, teach, or suggest the recited limitations.

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The Office Action refers to col. 4, lines 53-56 of Hrovat to provide support for the claimed limitation of "*changing a wheel specific nominal value for the wheel that has sustained a pressure loss*" (see Office Action page 3, lines 1-3). The cited portion of Hrovat's specification is directed to a controller that changes a tire rupture flag from a value of '0' to a value of '1.' At col. 3, lines 1-15, Hrovat discloses "*tire pressure can be detected by monitoring wheel speed data shown at 104...once tire rupture is detected at 162...an appropriate tire rupture flag is set at 164 corresponding to which of the tires is ruptured.*" Accordingly, Hrovat's flag is in no way a quantitative value but it is merely a status flag (ruptured/unruptured) that is changed from a value of '0' to '1' when a tire rupture is detected and it is used to modify a portion of a maximum brake torque correction equation which is used to calculate a desired brake torque correction factor. Therefore, it is clear that Hrovat's flag does not teach or suggest "*changing a wheel specific quantitative value.*"

Because Hrovat does not disclose, teach, or suggest all of the claim limitations as recited in independent Claims 25 and 36, the Office action fails to establish a *prima facie* case of obviousness. See MPEP §2143. For at least this reason, Claims 25 and 36 are allowable over the applied art. Claims 30, 32-34 and 38-43 depend directly or indirectly from Claims 25 and 36, respectively, and are therefore allowable over the applied art. Withdrawal of the rejection to Claims 25, 30, 32-34, 36 and 38-43 is respectfully requested.

2. Claims 25, 27, 30, 32-36 and 38-44 were rejected under 35 USC §103(a) as being unpatentable over U.S. 5,760,682 to Liu et al. (hereinafter, "Liu") in view of Hrovat. Since Claim 27 has been cancelled in this paper, the rejection to Claim 27 has been rendered moot. Applicant respectfully traverses the rejection to Claims 25, 30, 32-36 and 38-44.

The Office Action also appears to indicate that Liu teaches "*changing a wheel specific nominal value for the wheel that has sustained a pressure loss on lines 53-56, on column 4*" (see Office Action at page 4, lines 9-11). Applicant respectfully submits that the cited portion of Liu is the *Brief Description of the Preferred Embodiment* portion of the specification, which states, "*FIGS. 1a, 1b and 1c represents a flowchart of a preferred method according to the invention in three parts.*" As such, it appears that the Office Action inadvertently repeated the same citation of Hrovat as described above. To properly reply to the Office Action, it is respectfully submitted that MPEP §706.02(j) requires that when a rejection is issued under 35 USC § 103, the Office Action should set forth relevant teachings of the prior art by referencing relevant column and

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line numbers where appropriate. Applicant is unable to locate any teaching or suggestion of the claimed limitations taught by Liu as shown at col. 4, lines 53-56.

Even in view of this, Applicant agrees with the Office Action that Liu does not disclose, "*wherein the modifying step further includes modifying the response of a vehicle brake control system by changing a control algorithm for the brake system in dependence on the loss in tire pressure*" (see Office Action at page 4, lines 11-14). The Office Action attempts to show a suggestion for the deficient limitation of Liu by citing col. 3, lines 20-40 of Hrovat (see Office Action at page 4, lines 14-16). Applicant respectfully disagrees. Col. 3, lines 20-40 of Hrovat discusses a brake steering control module or routine 176; however, col. 3, lines 20-40 of Hrovat is completely silent to "*changing a control algorithm for the brake system in dependence on the loss in tire pressure*," as recited by the claims.

Accordingly, Hrovat does not support deficiencies of Liu. Because both Liu and Hrovat do not disclose, teach, or suggest all of the claim limitations as recited in independent Claims 25 and 36, the Office action fails to establish a *prima facie case of obviousness*. See MPEP §2143. For at least this reason, Claims 25 and 36 are allowable over the applied art. Claims 30, 32-34 and 38-43 depend directly or indirectly from Claims 25 and 36, respectively, and are therefore allowable over the applied art. Withdrawal of the rejection to Claims 25, 30, 32-34, 36 and 38-43 is respectfully requested.

3. Claims 25, 27, 30, 31, and 36-38 were rejected under 35 USC §103(a) as being unpatentable over U.S. 5,546,308 to Yamamoto (hereinafter, "Yamamoto") in view of Hrovat. Since Claim 27 has been cancelled in this paper, the rejection to Claim 27 has been rendered moot. Applicant respectfully traverses the rejection to Claims 25, 30, 31, and 36-38.

Applicant agrees with the Office Action that Yamamoto does not disclose, "*wherein the modifying step further includes modifying the response of a vehicle brake control system by changing a control algorithm for the brake system in dependence on the loss in tire pressure*" (see Office Action at page 6, lines 5-8). As similarly rejected above, the Office Action attempts to show a suggestion for the deficient limitation of Yamamoto by citing col. 3, lines 20-40 of Hrovat (see Office Action at page 4, lines 14-16). Applicant respectfully disagrees. Col. 3, lines 20-40 of Hrovat discusses a brake steering control module or routine 176; however, col. 3, lines

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20-40 of Hrovat is completely silent to "*changing a control algorithm for the brake system in dependence on the loss in tire pressure*," as recited by the claims.

Accordingly, Hrovat does not support deficiencies of Yamamoto. Because both Yamamoto and Hrovat do not disclose, teach, or suggest all of the claim limitations as recited in independent Claims 25 and 36, the Office action fails to establish a *prima facie* case of obviousness. See MPEP §2143. For at least this reason, Claims 25 and 36 are allowable over the applied art. Claims 30, 32-34 and 38-43 depend directly or indirectly from Claims 25 and 36, respectively, and are therefore allowable over the applied art. Withdrawal of the rejection to Claims 25, 30, 32-34, 36 and 38-43 is respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-3145, under Order No. AP9610 from which the undersigned is authorized to draw.

Dated: Nov 23, 2004

Respectfully submitted,

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